

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

**Criminal Docket No.: 3:94CR95-V**

**Civil Docket No.: 3:05CV3-V**

**KEITH DESMOND WRIGHT,**  
**Petitioner,**

**v.**

**UNITED STATES OF AMERICA,**  
**Respondent.**

**ORDER**

**THIS MATTER** comes before the Court on Petitioner's June 27, 2005 filing titled, "To Perform Limited Booker To Judge To Determine If He Would Reimpose Same Sentence Or Resentence If He Could. §3582(C)(2)".<sup>1</sup>

Like Defendant's other post-Booker filings, Defendant complains that the sentence imposed in his case is unconstitutional.<sup>2</sup> United States v. Booker, 125 S. Ct. 738 (2005). More specifically, Defendant asks this district judge - as opposed to the actual sentencing judge, the Honorable Thomas Wiseman, Jr. - whether or not he *personally* would have imposed a different sentence under the current sentencing regime, wherein the United States Sentencing Guidelines are merely advisory. (Defendant essentially asks for an "advisory opinion.") Defendant's stated purpose is to request permission from the

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<sup>1</sup> The Court enjoined Defendant from filing additional post-conviction motions within the above-captioned criminal action. (Document #283) This most recent document should never have been file-stamped by the Clerk's Office.

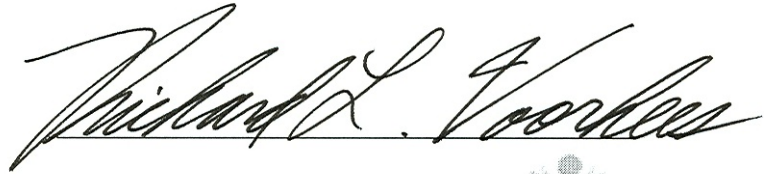
<sup>2</sup> Defendant's filing dated March 5, 2003, was converted to a Motion To Vacate, Correct or Set Aside Sentence pursuant to 28 U.S.C. §2255 and denied as successive. Defendant's letter motion dated January 17, 2005, which raised the very same issues, was likewise denied.

appellate court to file a second or successive §2255 motion. (Motion, at 3.) Therefore, Defendant's motion reflects Defendant's apparent understanding that his request for relief is not properly before this Court, as has been already expressly explained at least twice. 28 U.S.C. § 2255; Documents #283, #284. For all of these reasons, Defendant's motion is deemed frivolous. Monetary sanctions are warranted.

**IT IS, THEREFORE, ORDERED THAT:**

- 1) Defendant's Motion is hereby **DENIED**;
- 2) Defendant is hereby **SANCTIONED** in the amount of **\$100.00** as a result of his repeated abuse of judicial resources and disregard of the Court's earlier orders. Accordingly, Defendant shall mail payment(s) to the United States Clerk of Court, Charles R. Jonas Federal Building, 401 West Trade Street, Room 216, Charlotte, North Carolina, 28202; and
- 3) The Deputy Clerk shall file a copy of Defendant's motion and this Order in both the criminal and civil files captioned above.

**Signed: July 8, 2005**

A handwritten signature in black ink, reading "Richard L. Voorhees". The signature is written in a cursive style with a horizontal line underneath the name.

Richard L. Voorhees  
United States District Judge

